

ORC Weekly News
October 13, 2016

Potential or Expected Press Stories:

None

Contacts from Elected Officials:

None

Freedom of Information Act Requests that the Regional Administrator should be aware of:

None

Travel/Meetings/Speaking Engagements for Division Directors:

None

Upcoming Highlights for the Week:

None

Additional Items:

Coal Ash Disposal in Puerto Rico. On October 11, 2016, the Court of Ponce issued a judgment in the case *Peñuelas Valley Landfill, Inc. v. José Manuel Díaz, et al*, prohibiting the deposit of Agremax and any other coal combustion residue (CCR) in the Peñuelas landfill. This case was brought by the facility against various citizens who were protesting at the facility entrance to prevent the access of trucks with CCRs. The court took into consideration the July 27, 2016 decision of the federal district court in *AES Puerto Rico, L.P. v Marcelo Trujillo-Panisse* (in which the district court rejected AES's claim that the Peñuelas and Humacao ordinances banning disposal of CCRs were unconstitutional and preempted by RCRA) as well as the pending case before the Puerto Rico Supreme Court regarding the validity of the Peñuelas municipal ordinance. The Court of Ponce stated that it understands that given that the landfill's right to receive or use CCR is not clearly defined at this time, the balance of interests supports prohibiting the use or depositing of CCR until a final court decision on the validity of the ordinance is rendered.